

CLAIMS: ARBITRATION AWARD

Protocol signed at Washington December 14, 1876

Entered into force December 14, 1876

Terminated upon fulfillment of its terms

1876 For. Rel. 389; Treaty Series 219

PROTOCOL

Whereas the commission for the adjustment of claims provided for by the convention between the United States and the Mexican Republic of the 4th of July, 1868,¹ stipulates in its sixth article that the compensation to be paid to the umpire shall be determined by mutual consent at the close of the convention;

And whereas the said commission, though continued from time to time by subsequent conventions,² has concluded its functions and come to a close;

And whereas the same article stipulates that the whole expenses of the commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by that commission: *Provided always*, That such deduction shall not exceed five per cent. on the sums so awarded, the deficiency, if any, to be defrayed in moieties by the two governments:

Now, therefore, the undersigned, Hamilton Fish, Secretary of State, and Don Ignacio Mariscal, accredited to the Government of the United States as envoy extraordinary and minister plenipotentiary of the Mexican Republic, have this day met for a consideration of these subjects, and have determined that the compensation of the umpire aforesaid shall be at the rate of six thousand dollars a year. Consequently, deducting the advances made by each government to Dr. Lieber during the time of his service as umpire, there remains the sum of eighteen thousand five hundred and fifty dollars (\$18,550) for compensation of the umpire, one-half payable by each government.

The advances and payments made to Dr. Lieber were six thousand one hundred and thirty-nine dollars and seventy-two cents (\$6,139.72) paid by each government, in all twelve thousand two hundred and seventy-nine dollars and forty-four cents (\$12,279.44).

¹ TS 212, *ante*, p. 826.

² TS 214, 215, 217, and 218, *ante*, pp. 834, 836, 838, and 841.

The expenses of the commission contemplated in Article VI of the convention, including the contingent expenses, have amounted to one hundred and seventy-eight thousand seven hundred and thirty-eight dollars and forty-six cents (\$178,738.46), equal to four per cent. and seventeen thousand nine hundred and ninety-two one hundred thousandths ($4\frac{17,992}{100,000}$) of one per cent. on the total amount of awards on both sides.

The undersigned have also caused the account hereunto annexed to be stated, and have approved the same under their respective hands.

HAMILTON FISH,
Secretary of State

IGNO. MARISCAL

WASHINGTON, *December 14, 1876.*

STATEMENT OF ACCOUNT OF UNITED STATES AND MEXICAN CLAIMS
COMMISSION AWARDS AND EXPENSES OF COMMISSION

Awards against Mexico:

I. In Mexican gold dollars.	\$3, 296, 055 18
II. In U.S. gold coin.....	426, 624 98
III. In currency.....	402, 942 04

4, 125, 622 20 at a percentage of 4.17992, yields.\$172, 447 75

Awards against United States:

I. In Mexican gold dollars.	50, 528 57
II. In U.S. gold coin.....	10, 559 67
III. In currency.....	89, 410 17

150, 498 41 at a percentage of 4.17992, yields. 6, 290 71

Total.....	4, 276, 120 61 at a percentage of 4.17992, yields.	178, 738 46
Expenses of commission, one-half to be borne by each government.....		178, 738 46

Moiety of expenses..... 89, 369 23

Paid by Mexico:

Salary of commissioner from July 1, 1869, to January 31, 1876,	
6 years and 7 months, @ \$4,500.....	\$29, 625 00
Salary of secretary from May 1, 1869 to December 31, 1876,	
7 years and 6 months, @ \$2,500.....	18, 750 00
Umpire, Dr. Lieber, from September 6, 1869, to Octo-	
ber 1, 1872, @ \$3,000.....	\$6, 139 72
Umpire, Sir Edward Thornton, from October 17,	
1873, to November 20, 1876, 3 years and 1 month..	9, 275 00
	<u>15, 414 72</u>

Total amount paid by Mexico..... 63, 789 72

Paid by United States:

For same services, same rates and time.....	63, 789 72
Also joint contingent expenses.....	51, 159 02

Total amount paid by United States..... 114, 948 74

Total amount of expenses paid as above..... \$178, 738

Moiety of same as above..... 89, 369 23

HAMILTON FISH
Secretary of State

IGNO. MARISCAL

BALANCE OF ACCOUNT

From sheet No. 1. Award against United States..	\$150,498 41	at 4.17992%	\$6,290 71
From sheet No. 1. Award against Mexico.....	4,125,622 20	at 4.17992%	172,447 75
	4,276,120 61	at 4.17992%	178,738 46
From sheet No. 1. Expenses paid by United States.....	114,948 74		
From sheet No. 1. Expenses paid by Mexico.....	63,789 72	Total expenses	178,738 46

Account of the United States

	DR.	CR.
To amount of percentage on award against Mexico.....	\$172,447 75	
By amount of disbursements on account of expenses.....		\$114,948 74
Balance.....		57,499 01
	172,447 75	172,447 75
Balance against the United States.....	57,499 01	

Account of Mexico

	DR.	CR.
To amount of percentage on award against United States.....	\$6,290 71	
By amount of disbursements on account of expenses.....		\$63,789 72
Balance.....	57,499 01	
	63,789 72	63,789 72
Balance in favor of Mexico.....		57,499 01

HAMILTON FISH
Secretary of State
 IGNO. MARISCAL